

UNITED STATES DISTRICT COURT
for the
Western District of Washington

In the Matter of the Search of
*(Briefly describe the property to be searched
or identify the person by name and address)*
 A Facebook Account
 more fully described in Attachment A

Case No. MJ19-487

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

A Facebook Account more fully described in Attachment A.

located in the Western District of Washington, there is now concealed (*identify the person or describe the property to be seized*):

See Attachment B for a List of Items to be Seized.

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. 841(a)(1);	Distribution of and Possession with Intent to Distribute Controlled Substances;
18 U.S.C. 922(g)(1);	Felon in Possession of a Firearm;
18 U.S.C. 924(c)	Possession of a Firearm in Furtherance of a Drug Trafficking Crime

The application is based on these facts:

Please see the Affidavit of Special Agent Angelo Salcepuedes(ATF)

- Continued on the attached sheet.
- Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

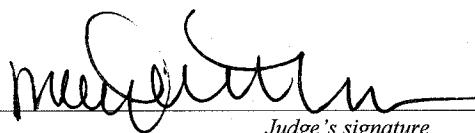

Applicant's signature

SA Angelo Salcepuedes (ATF)

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/10/2019


Judge's signature

Mary Alice Theiler, United States Magistrate Judge

Printed name and title

1 **AFFIDAVIT OF SPECIAL AGENT ANGELO SALCEPUEDES**

2
3 STATE OF WASHINGTON)
4)
5 COUNTY OF KING)

6
7 I, Angelo Salcepuedes, a Special Agent with the United States Department of
8 Justice Bureau of Alcohol, Tobacco, Firearms, and Explosives, having been duly sworn,
9 state as follows:

10 **INTRODUCTION**

11 1. This Affidavit is submitted in support of an Application for a Search
12 Warrant to search the following Facebook account (hereinafter, the **SUBJECT**
13 **ACCOUNT**), more fully described in Attachment A (attached hereto and incorporated
14 herein), for the seizure of the items specified in Attachment B (attached hereto and
15 incorporated herein):

16
17 **SUBJECT ACCOUNT:**

18
19 Facebook Profile Name: “Liam Groot”
20 Facebook Username: stevienoel3
21 Facebook User ID No.: 100022615093853

22
23 The search of the **SUBJECT ACCOUNT** will be restricted as set forth in
24 Attachment B.

25 **AFFIANT'S TRAINING AND EXPERIENCE**

26 2. I am currently employed as a Special Agent with the ATF, and I am
27 assigned to the ATF Seattle's Violent Crime Task Force. I have been employed with the

1 ATF since March of 2015. I received a Bachelor of Science degree in Criminal Justice
2 from the University of Guam in Mangilao, Guam.

3 3. I received training at the Federal Law Enforcement Training Center in
4 Glynco, Georgia. While there, I completed the Criminal Investigator Training Program
5 that provided instruction on basic criminal investigations involving narcotics, crime
6 scenes, and financial crimes that incorporate systematic techniques of interviewing,
7 evidence gathering, and surveillance.

8 4. Additionally, I have completed the ATF Special Agent Basic Training
9 program at Glynco, Georgia. This program covered extensive methodologies comprising
10 of firearms and ammunition identification, firearms trafficking, alcohol and tobacco
11 diversion investigations, explosives and arson investigations, and undercover operations.
12 I also received training in the recognition, identification and testing of controlled
13 substances as well as in common methods of trafficking in narcotics. I have participated
14 in surveillance operations at known drug locations and have taken part in arrests for drug
15 related crimes. Furthermore, I have participated in or executed search and seizure
16 warrants with respect to the manufacture and distribution of controlled substances. As a
17 result of my training and experience, and based on my consultation with other agents and
18 law enforcement officers, I am familiar with the manner in which narcotics are
19 distributed and the various roles played by individuals and groups in their distribution.

PURPOSE OF AFFIDAVIT

22 5. This Affidavit is made in support of a search warrant for the **SUBJECT**
23 **ACCOUNT**, as further described in Attachment A.

24 6. I make this Affidavit, in part, based on personal knowledge derived from
25 my participation in this investigation and, in part, based upon information gained from,
26 but not limited to, the following sources: (1) investigation conducted by other law
27 enforcement personnel, whose findings and observations have been reported to me either

directly or indirectly; (2) statements of witnesses; (3) business and public records; and (4) law enforcement database inquiries.

7. The facts set forth in this Affidavit are based on my own personal knowledge; knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers; review of documents and records related to this investigation; communications with others who have personal knowledge of the events and circumstances described herein; and information gained through my training and experience.

8. Because this Affidavit is offered for the limited purpose of establishing probable cause in support of the application for a search warrant, it does not contain all of the information that the government possesses related to this investigation. I have set forth only the facts that I believe are necessary to the determination of probable cause to believe that the locations to be searched contain evidence, fruits, and instrumentalities of the following crimes: Title 18, United States Code, Section 922(g)(1) (Felon in Possession of a Firearm); Title 21, United States Code, Sections 841(a)(1) and 846 (Distribution of Controlled Substances and Conspiracy to Distribute Controlled Substances); and Title 18, United States Code, Section 924(c) (Possession of a Firearm in Furtherance of a Drug Trafficking Crime).

INVESTIGATION AND PROBABLE CAUSE

Background

1. During the first quarter of 2018, ATF Task Force Officers (TFOs) Eshom and Steffes contacted Kent PD Confidential Informants (CIs) 18-6 and 18-7.¹

¹ Both CIs were working for monetary consideration. Both CIs had multiple felony and misdemeanor convictions, including convictions for crimes of dishonesty and controlled substance violations.

1 2. Both CI's 18-6 and 18-7 supplied TFOs Eshom and Steffes with
2 information about a gang of white supremacists who went by the collective name of "F---
3 Pigs" and the "No Remorse Crew." Both TFOs were familiar with the "F--- Pigs" gang
4 from prior investigations. The CIs indicated that the "F--- Pigs" group is heavily
5 involved in the trafficking of narcotics and firearms, fraud, robberies and violent assaults,
6 which was consistent with TFO Eshom and Steffes's understanding.

7 3. One of the "Fuck Pigs" members with whom the CIs associated was
8 STEPHEN NOEL. TFO Steffes is familiar with NOEL through other investigations and
9 able to recognize him on sight. The CIs stated NOEL sold large amounts of heroin and
10 methamphetamine. They also said NOEL trafficked in "high volume" amounts of
11 firearms.

12 4. NOEL is an 11-time convicted felon, with prior convictions for Assault in
13 the Second Degree, Assault in the Third Degree, Possession of a Stolen Vehicle, Attempt
14 to Elude (twice), Violations of the Uniform Controlled Substances Act (four times),
15 Burglary in the First Degree, and Taking a Motor Vehicle without Permission.

16 5. On August 31, 2014, NOEL was sentenced to 100 months in prison for
17 felony convictions for Burglary in the First Degree and "UMCS, Meth" (believed to be
18 an acronym/abbreviation for Unlawful Manufacturing of a Controlled Substance:
19 Methamphetamine) in Pierce County Superior Court. The judgment and sentence for that
20 the sentence was imposed during a sentencing hearing at which NOEL was present.

21 6. I consulted with Auburn PD Detectives Crawford and Lindgren. They were
22 also familiar with NOEL and knew him to live at 110 60th Street Southeast in Auburn,
23 Washington. The Auburn detectives had seen NOEL drive a white Crown Victoria
24 bearing WA BHY2490 on numerous occasions.

25 //

26 //

27

28

1 **Controlled Buy #1 in February 2018**

2 7. On February 13, 2018, TFO Steffes met with CI 18-7. He searched the CI
3 and found no drugs, money, or contraband on his/her person. He issued the CI \$420.00
4 in police buy money, taking a photograph for reference.

5 8. The CI contacted NOEL at phone number 253-326-2743. The CI arranged
6 to purchase a quarter ounce of heroin from NOEL at the Outlet Collection, 1101 Outlet
7 Collection Way in Auburn, Washington.

8 9. Auburn PD detectives took a surveillance position which allowed them
9 visual of 110 60th Street Southeast. Detective Crawford observed NOEL get into the
10 front driver's seat of his Crown Victoria, while two females got into the passenger side
11 seats. Detective Crawford observed NOEL drive away from his residence.

12 10. Members of the detail got in surveillance positions around the southern end
13 of the mall parking lot. Shortly thereafter, TFO Steffes observed NOEL arrive, still
14 driving the Crown Victoria. He deployed the CI and maintained a visual of the him/her
15 throughout the operation. He watched as the CI made contact with NOEL via the front
16 driver side door. At no time did the CI enter the Crown Victoria or make contact with
17 either female on the passenger side. After a few minutes, TFO Steffes observed the CI
18 and NOEL make a hand-to-hand transaction.

19 11. Members of the detail attempted to conduct mobile surveillance on NOEL
20 as he left the area. However, TFO Steffes called off the following surveillance, as NOEL
21 displayed counter-surveillance behavior (sometimes referred to as "heat checks").

22 12. The CI returned to TFO Steffes and handed him suspected black tar heroin.
23 TFO Steffes took the suspected heroin as evidence. He searched the CI and found no
24 drugs, money, or contraband. The CI stated he/she paid Noel the \$420.00 buy money in
25 exchange for the suspected heroin.

26 13. Upon his return to the police station, TFO Steffes field-tested the suspected
27 heroin, with inconclusive results. The sample sluggishly tested positive but did not have
28 the smell of heroin. TFO Steffes weighed the drug (about 2.9 grams without packaging)

1 and placed it in evidence. The sample was sent to the Washington State Patrol Crime
2 Laboratory where it was analyzed and found to contain heroin.
3

4 **Controlled Buy #2 in February 2018**

5 14. On February 16, 2018, TFOs Eshom and Steffes met with King County
6 Sheriff's Office (KCSO) CI MV1801.² He/she was also familiar with NOEL, whom
7 he/she identified through a photograph, and gave the TFOs similar information as CI 18-
8 7. The CI stated he/she could purchase narcotics from NOEL at the address at 110 60th
9 Street SE in Auburn.

10 15. Detective Eshom searched the CI and found no drugs, money, or
11 contraband. He issued the CI \$100.00 in buy money.

12 16. Members of the law enforcement detail established positions around 110
13 60th Street SE. Detective Crawford again watched the front and immediate areas
14 surrounding 110 60th Street SE. TFO Steffes deployed the CI, who walked directly to
15 110 60th Street SE and went inside. Several minutes later, the CI exited the residence
16 and returned to TFOs Eshom and Steffes. The CI immediately handed TFO Eshom a
17 baggie of suspected crystal methamphetamine.

18 17. TFO Eshom searched the CI and found no drugs, money, or contraband.
19 The CI said he/she entered the residence and made contact with NOEL in his upstairs
20 bedroom. The CI said he/she gave NOEL the \$100.00 buy money in exchange for the
21 suspected methamphetamine.

22 18. Upon his return to the police station, Detective Eshom field-tested the
23 crystalline substance in accordance with the protocol established by the Washington State
24 Patrol Crime Laboratory, with positive results for methamphetamine. He weighed the
25
26

27 _____
28 ² KCSO CI MV1801 was working for monetary consideration. He/she has multiple felony and misdemeanor
convictions, including convictions for crimes of dishonesty and controlled substance offenses.

1 methamphetamine at approximately 1.9 grams without packaging and placed it in
2 evidence.

3 19. After these two controlled buys, the CIs were unable to contact NOEL to
4 purchase additional narcotics. Eventually, TFO Steffes was unable to reestablish contact
5 with the three CIs. For several months, NOEL's whereabouts were unknown.
6

7 **Arrest of Stephen NOEL on May 11, 2019**

8 9. On May 11, 2019, Algona PD Officers Schreck and McKay were working a
9 two-man traffic emphasis patrol in Algona, Washington. Officer Schreck observed a
10 white Mercedes SUV, bearing Oregon license plate 831KMQ, parked in front of a
11 residence at 806 Celery Avenue in Algona. Both officers were familiar with this
12 residence due to its high amount of narcotics and crime activity.

13 10. Officer Schreck ran the Mercedes' license plate and found it was reported
14 stolen out of Oregon, documented under Portland PD incident number 19-680465. She
15 observed the driver of the Mercedes (later identified as Stephen NOEL) make a U-turn
16 and leave the aforementioned residence. The officers began to follow the Mercedes as it
17 entered southbound SR167. They stopped the Mercedes just north of the Jovita
18 Boulevard exit. NOEL exited the stolen vehicle and was detained. He was found to be
19 the sole occupant in the vehicle. NOEL was placed under arrest for Possession of a
20 Stolen Vehicle. He was denied booking at the King County Jail due to a medical issue.

21 11. The Mercedes was impounded at a secure location, as there was no clear
22 consent to search the vehicle noted in the law enforcement database. Evidence seals were
23 placed on the Mercedes.

24 12. On May 15, 2019, Officer Schreck contacted the registered owner of the
25 stolen Mercedes. She emailed a written consent to search form to Officer Schreck.

26 13. Later that day, Officers Schreck and McKay responded to the secure
27 location where the Mercedes was stored. The evidence seals were found intact. Officer
28 Schreck located the following items of evidence in the Mercedes' interior compartments:

- A LG mobile phone (IMEI #35249-10-391508-2), in the center console area; and
- Two glass pipes wrapped in paper and tape, front passenger seat

14. In the trunk of the Mercedes, Officer Schreck located the following items of evidence in a paper bag:

- A sticky note with “Stephen Noel 5703 184th Ave Ct E Bonney Lake 98391” written on it; and
- A mobile phone box, belonging to a device with the serial number 903CYQX391508, IMEI #35249-10-391508-2.

15. The mobile phone box had the same IMEI number as the LG mobile phone located in the center console.

16. Also in the trunk of the Mercedes, Officer Schreck found a Cannon camera bag, which contained the following:

- A Smith and Wesson 9mm SVD9E pistol, bearing serial number FZL8992;
- About 65.5 grams, without packaging, of suspected crystal methamphetamine;
- About 4.7 grams, without packaging, of suspected heroin;
- About 10.7 grams, without packaging, of an unknown white crystal and powder substance;
- Several individual small ziplock bags;
- Two glass pipes;
- A ZTE Qlink mobile phone;
- A Samsung Galaxy S7 mobile phone;
- An AWS digital scale; and
- Three Washington State Quest (EBT) cards;

1 17. The suspected methamphetamine was sent to the Washington State Patrol
2 Crime Laboratory, where it was analyzed and found to contain methamphetamine.

3 18. I know from my training and experience that 65.6 grams of
4 methamphetamine is an amount consistent with distribution, not personal use. I also
5 know from my training and experience that individual small ziplock bags and digital
6 scales are items commonly used to distribute narcotics.

7 19. The Smith and Wesson was determined to be a confirmed stolen out of a
8 hotel room in Kent on December 23, 2018. The theft was documented under Kent PD
9 incident number 18-18700.

10 20. The items recovered from the Mercedes were placed in Algona PD
11 Evidence.

12 21. Items of evidence were submitted to King County Regional Identification
13 Program (AFIS) for fingerprint analysis. No latent prints of comparison value were
14 located on the stolen firearm or magazine. Latent prints were located on the paper and
15 tape wrapping of a glass pipe recovered from the passenger seat, but Stephen NOEL was
16 excluded as the source of these prints. The examination was inconclusive as to whether
17 the prints could be identified to the Mercedes's registered owner.

18 22. ATF Special Agent David Roberts reviewed photographs of the Smith and
19 Wesson 9mm SVD9E pistol bearing serial number FZL8992. SA Roberts has additional
20 training in firearm identification and is considered an expert in determining the location
21 where a firearm was manufactured. SA Roberts determined that the pistol was not
22 manufactured in the State of Washington and therefore must have traveled in interstate or
23 foreign commerce in order to be possessed in the State of Washington.

24 **Search of Cell Phones Located in the Mercedes**

25 23. On July 12, 2019, United States Magistrate Judge Mary Alice Theiler
26 authorized a search warrant for the three cell phones that were seized from the Mercedes.
27 TFO Steffes transferred custody of the phones to Kent PD Detective Afalava for
28 extraction.

1 24. Detective Afalava successfully extracted content from the LG cell phone
2 that was located in the Mercedes' center console area. According to the extraction report,
3 the LG phone was active from May 10, 2019, to May 11, 2019, which was the date of
4 NOEL's arrest by Algona PD. The following messages indicated that this phone
5 belonged to NOEL:

6 • 5/10/19 @ 2145 hrs "This is Stevie" (to "Casey")
7 • 5/10/19 @ 1432 hrs "This is Stevie my new number" (to "Tristan")
8 • 5/10/19 @ 1315 hrs "It's Stevie my new number" (to 206-578-9025)
9 • 5/10/19 @ 1234 hrs "It's Stevie my new number" (to "Trav")

10 25. There was nothing else of obvious evidentiary value on the LG phone.

11 26. Detective Afalava also successfully extracted content from the Samsung
12 Galaxy phone that was located in the camera bag that contained the firearm and drugs.
13 Based on text messages and other notifications on the phone, the owner appeared to be
14 "Joshua Perry." There was a "selfie" photograph of a heavy-set white male located on
15 the phone who did not appear to be NOEL. The device had been active from March 30,
16 2019 to April 26, 2019, at which point the service ended.

17 27. TFO Steffes utilized a law enforcement database and found Joshua Perry
18 with a birthdate in 1978. He obtained a driver's license photograph of Perry and
19 compared it to the "selfie" photograph located on the Samsung phone. He confirmed that
20 the photographs depicted the same person and thus concluded that Perry was the owner of
21 that phone.

22 28. TFO Steffes obtained Perry's criminal history and found him to be a
23 convicted felon for forgery.

24 29. On July 30, 2019, SA Salcepuedes and TFO Steffes attempted to contact
25 Perry at several of his last known addresses, without success. TFO Steffes also attempted
26 to contact Perry at his last known phone number, however, that phone number was out of
27 service.

1 30. Detective Afalava was unable to extract content from the ZTE Qlink phone,
2 the second phone located in the camera bag, because the phone was password protected.
3 On July 31, 2019, TFO Steffes transferred custody of the ZTE Qlink to ATF evidence.
4 ATF SA Catherine Cole was able to download the contents of the phone and provide an
5 extraction report.

6 31. On August 30, 2019, I reviewed the contents of the ZTE Qlink phone. The
7 phone contained Facebook Messenger data for an account that appeared to be active from
8 at least October 2017 to April 2019. The phone's Facebook Messenger account was
9 associated with the Facebook profile name "**Liam Groot**."

10

11 **Evidence Associated with NOEL's Facebook Account: "Liam Groot"**

12 32. As previously stated, TFO Steffes is familiar with NOEL's appearance
13 from this investigation and others, and has reviewed NOEL's driver's license and
14 booking photographs. TFO Steffes searched Facebook for the profile name "**Liam**
15 **Groot**" and immediately recognized the associated Facebook account as belonging to
16 STEPHEN NOEL. The "**Liam Groot**" Facebook profile picture was a photograph of
17 NOEL sitting in a convertible with a pitbull dog. TFO Steffes scrolled through the
18 publicly available features of the "**Liam Groot**" Facebook account and observed
19 numerous photographs of NOEL.

20 33. The "**Liam Groot**" Facebook account is associated with the URL:
21 www.facebook.com/stevienoel3, the Facebook username "stevienoel3," and the
22 Facebook Profile ID Number is 100022615093853 (the "**SUBJECT ACCOUNT**").

23 34. The Facebook messenger threads stored on the Qlink phone included the
24 following exchanges with the **SUBJECT ACCOUNT**.

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1 35. From user "E.M."³:

2 • April 24, 2019: "STEVIE CALL ME PLEASE"

3 • April 27, 2019: "Stevie I have \$500 CALL ME"

4 36. From user "M.B.":

5 • April 29, 2019: "I need to get something from ya tomorrow," to
6 which "**Liam Groot**" replied: "Not now."

7 37. From user "D.G.":

8 • April 11, 2019: "Where are you moving," to which "**Liam Groot**"
9 replied: "Lake taps."

10 38. From user "C.J.":

11 • April 25, 2019: "Wtf? Stevie."

12 • April 25, 2019: "No. I didn't Stevie."

13 • April 25, 2019: "Stevie...."

14 • April 25, 2019: "Why? Why Stevie?"

15 39. From user "S.P.":

16 • April 2, 2019: "U got a 50."

17 • April 4, 2019: "Got a phone yet."

18 • April 4, 2019: "Can u stop by? I need something."

19 • April 4, 2019: "I need a 60," to which "**Liam Groot**" replied: "Still
20 need that."

21 • April 24, 2019: "Nothing. I need a 60 and I'm bored. U trying to
22 kick it?," to which "**Liam Groot**" replied: "O us I can." "S.P."
23 then wrote: "Oh that's fine. Regardless I'm hella sick and need a
24 60."

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28 ³ For privacy reasons, this affidavit uses initials rather than the full names of the message participants.

1 40. From my training and experience with narcotics investigations, I know that
2 narcotics are frequently purchased by referencing their weight or their monetary value.
3 In the context of the conversation above, S.P.'s reference to being "sick" likely refers to
4 experiencing a narcotics withdrawal, and "I need a 60" likely refers to needing \$60.00
5 worth of narcotics.

6 41. On April 24, 2019, "**Liam Groot**" wrote to "S.P." as follows: "Cmy shot
7 better be here sam" and "Where is my sh**."⁴ "S.P." replied: "What should are you
8 talkin about? I left everything as is. The gun is on the table and there was three
9 cellphones. I left because I was starting to get hella dope sick." "**Liam Groot**" then
10 stated: "My black pouch with all my sh** in it" and "Really then I'll must come find u."
11 S.P. then replied: "You took the black pouch with you you didn't leave it there why
12 wouldn't have left because I was sick you took it with you." "**Liam Groot**" then wrote:
13 "And I don't think you would steal sh** from me I had to ask that way. To see ur
14 reaction its all good."

15 42. On April 26, 2019, "**Liam Groot**" wrote S.P.: "You still owe me 50\$ you
16 took off with out paying me" and "Are you just going to ignore me I did u a favor."
17 Later that day, "**Liam Groot**" wrote: "Can I come grab that money" to which S.P.
18 replied "I have to meet up with my mom to grab a check that came in the mail and cash it
19 ill have it in a couple hours."

20 43. From my training and experience with narcotics investigations, I know that
21 "clear" is a commonly used slang term for methamphetamine, that "dark" and "black" are
22 commonly used slang terms for heroin, and that "dope" is a commonly used slang term
23 for narcotics. Similarly, a "ball" or a "zip" commonly refers to the weight of narcotics.
24 For these reasons, the following Facebook messages on the "**Liam Groot**" SUBJECT
25 ACCOUNT appear to be evidence of drug distribution:

26
27
28 ⁴ For purposes of this affidavit, the language of this message has been redacted.

1 44. From user "B.M.":

2 • March 3, 2019: "Send number," to which "**Liam Groot**" replied
3 "2533141142."

4 • March 8, 2019: "I need a zip" and "Of clear."

5 45. From user "G.C.":

6 • November 26, 2018, "**Liam Groot**" wrote: "I have no ride but 275
7 is the lowest I can go," to which "G.C." responded: "Never mind I
8 got a homie driving me down 4 from Everett for 800."

9 • December 23, 2018, "G.C." said "I got these 30s and some black and
10 clear," to which "**Liam Groot**" replied "How much is the 30s."

11 46. From user "C.D."

12 • April 20, 2019: "Give me your number" and "I need a ball of
13 darkness whats my ticket," to which "**Liam Groot**" replied "160."

14 • April 22, 2019: "Do u have a number? I need some clearing up" and
15 "One whole day" and "I can meet you up right now." "**Liam**
16 **Groot**" replied: "250 for the day." "C.D." then asked "Where do I
17 go," to which "**Liam Groot**" replied "Lake taps" and "5703 184th
18 Ave Ct E."

19 47. From user "J.B.":

20 • On March 13, 2019, "Liam Groot" wrote: "Don't talke to me about
21 f***ing dope on mother f***ing face book are you just f***ing
22 stupid wtf," to which "J.B." replied: "What I never said that word
23 f***ing once. If u read it...but your message is good and mother
24 f***in clear for someone who is f***ing stupid."

25 Preservation of Facebook accounts

26 48. On August 30, 2019, TFO Steffes submitted a preservation request to
27 Facebook for the **SUBJECT ACCOUNT**. Facebook policy indicated that the company
28 will preserve account data associated with the preservation request for at least 90 days.

1 **KNOWLEDGE FROM TRAINING AND EXPERIENCE**

2 49. Based on my training and experience as well as based on information I
 3 have received from other law enforcement officers, I know Facebook owns and operates
 4 a free-access social networking website of the same name that can be accessed at
 5 <http://www.facebook.com>. Facebook allows its users to establish accounts with
 6 Facebook, and users can then use their accounts to share written news, photographs,
 7 videos, and other information with other Facebook users, and sometimes with the general
 8 public.

9 50. Facebook asks users to provide basic contact and personal identifying
 10 information to Facebook, either during the registration process or thereafter. This
 11 information may include the user's full name, birth date, gender, contact e-mail
 12 addresses, Facebook passwords, Facebook security questions and answers (for password
 13 retrieval), physical address (including city, state, and zip code), telephone numbers,
 14 screen names, websites, and other personal identifiers. Facebook also assigns a user
 15 identification number to each account.

16 51. Facebook users may join one or more groups or networks to connect and
 17 interact with other users who are members of the same group or network. Facebook
 18 assigns a group identification number to each group. A Facebook user can also connect
 19 directly with individual Facebook users by sending each user a "Friend Request." If the
 20 recipient of a "Friend Request" accepts the request, then the two users will become
 21 "Friends" for purposes of Facebook and can exchange communications or view
 22 information about each other. Each Facebook user's account includes a list of that user's
 23 "Friends" and a "News Feed," which highlights information about the user's "Friends,"
 24 such as profile changes, upcoming events, and birthdays.

25 52. Facebook users can select different levels of privacy for the
 26 communications and information associated with their Facebook accounts. By adjusting
 27 these privacy settings, a Facebook user can make information available only to himself or
 28 herself, to particular Facebook users, or to anyone with access to the Internet, including

1 people who are not Facebook users. A Facebook user can also create “lists” of Facebook
 2 friends to facilitate the application of these privacy settings. Facebook accounts also
 3 include other account settings that users can adjust to control, for example, the types of
 4 notifications they receive from Facebook.

5 53. Facebook users can create profiles that include photographs, lists of
 6 personal interests, and other information. Facebook users can also post “status” updates
 7 about their whereabouts and actions, as well as links to videos, photographs, articles, and
 8 other items available elsewhere on the Internet. Facebook users can also post information
 9 about upcoming “events,” such as social occasions, by listing the event’s time, location,
 10 host, and guest list. In addition, Facebook users can “check in” to particular locations or
 11 add their geographic locations to their Facebook posts, thereby revealing their geographic
 12 locations at particular dates and times. A particular user’s profile page also includes a
 13 “Wall,” which is a space where the user and his or her “Friends” can post messages,
 14 attachments, and links that will typically be visible to anyone who can view the user’s
 15 profile.

16 54. Facebook has a Photos application, where users can upload an unlimited
 17 number of albums and photos. Another feature of the Photos application is the ability to
 18 “tag” (i.e., label) other Facebook users in a photo or video. When a user is tagged in a
 19 photo or video, he or she receives a notification of the tag and a link to see the photo or
 20 video. For Facebook’s purposes, the photos associated with a user’s account will include
 21 all photos uploaded by that user that have not been deleted, as well as all photos uploaded
 22 by any user that have that user tagged in them.

23 55. Facebook users can exchange private messages on Facebook with other
 24 users. These messages, which are similar to e-mail messages, are sent to the recipient’s
 25 “Inbox” on Facebook, which also stores copies of messages sent by the recipient, as well
 26 as other information. Facebook users can also post comments on the Facebook profiles
 27 of other users or on their own profiles; such comments are typically associated with a
 28 specific posting or item on the profile. In addition, Facebook has a Chat feature that

1 allows users to send and receive instant messages through Facebook. These chat
 2 communications are stored in the chat history for the account. Facebook also has a Video
 3 Calling feature, and although Facebook does not record the calls themselves, it does keep
 4 records of the date of each call.

5 56. If a Facebook user does not want to interact with another user on Facebook,
 6 the first user can “block” the second user from seeing his or her account.

7 57. Facebook has a “like” feature that allows users to give positive feedback or
 8 connect to particular pages. Facebook users can “like” Facebook posts or updates, as
 9 well as webpages or content on third-party (*i.e.*, non-Facebook) websites. Facebook
 10 users can also become “fans” of particular Facebook pages.

11 58. Facebook has a search function that enables its users to search Facebook for
 12 keywords, usernames, or pages, among other things.

13 59. Each Facebook account has an activity log, which is a list of the user’s
 14 posts and other Facebook activities from the inception of the account to the present. The
 15 activity log includes stories and photos that the user has been tagged in, as well as
 16 connections made through the account, such as “liking” a Facebook page or adding
 17 someone as a friend. The activity log is visible to the user but cannot be viewed by
 18 people who visit the user’s Facebook page.

19 60. Facebook Notes is a blogging feature available to Facebook users, and it
 20 enables users to write and post notes or personal web logs (“blogs”), or to import their
 21 blogs from other services, such as Xanga, LiveJournal, and Blogger.

22 61. The Facebook Gifts feature allows users to send virtual “gifts” to their
 23 friends that appear as icons on the recipient’s profile page. Gifts cost money to purchase,
 24 and a personalized message can be attached to each gift. Facebook users can also send
 25 each other “pokes,” which are free and simply result in a notification to the recipient that
 26 he or she has been “poked” by the sender.

27
 28

1 62. Facebook also has a Marketplace feature, which allows users to post free
 2 classified ads. Users can post items for sale, housing, jobs, and other items on the
 3 Marketplace.

4 63. In addition to the applications described above, Facebook also provides its
 5 users with access to thousands of other applications on the Facebook platform. When a
 6 Facebook user accesses or uses one of these applications, an update about that the user's
 7 access or use of that application may appear on the user's profile page.

8 64. Facebook pages are affiliated with groups of users, rather than one
 9 individual user. Membership in the group is monitored and regulated by the
 10 administrator or head of the group, who can invite new members and reject or accept
 11 requests by users to enter. Facebook can identify all users who are currently registered to
 12 a particular group and can identify the administrator and/or creator of the group.
 13 Facebook uses the term "Group Contact Info" to describe the contact information for the
 14 group's creator and/or administrator, as well as a PDF of the current status of the group
 15 profile page.

16 65. Facebook uses the term "Neoprint" to describe an expanded view of a given
 17 user profile. The "Neoprint" for a given user can include the following information from
 18 the user's profile: profile contact information; News Feed information; status updates;
 19 links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists,
 20 including the friends' Facebook user identification numbers; groups and networks of
 21 which the user is a member, including the groups' Facebook group identification
 22 numbers; future and past event postings; rejected "Friend" requests; comments; gifts;
 23 pokes; tags; and information about the user's access and use of Facebook applications.

24 66. Facebook also retains Internet Protocol ("IP") logs for a given user ID or IP
 25 address. These logs may contain information about the actions taken by the user ID or IP
 26 address on Facebook, including information about the type of action, the date and time of
 27 the action, and the user ID and IP address associated with the action. For example, if a
 28

- 1 user views a Facebook profile, that user's IP log would reflect the fact that the user
- 2 viewed the profile, and would show when and from what IP address the user did so.

3 67. Social networking providers like Facebook typically retain additional
4 information about their users' accounts, such as information about the length of service
5 (including start date), the types of service utilized, and the means and source of any
6 payments associated with the service (including any credit card or bank account number).

In some cases, Facebook users may communicate directly with Facebook about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Facebook typically retain records about such communications, including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications.

13 68. Therefore, the computers of Facebook are likely to contain all the material
14 described above, including stored electronic communications and information concerning
15 subscribers and their use of Facebook, such as account access information, transaction
16 information, and other account information.

17 69. I anticipate executing this warrant under the Electronic Communications
18 Privacy Act, in particular, Title 18, United States Code, Sections 2703(a), 2703(b)(1)(A)
19 and 2703(c)(1)(A), by using the warrant to require Facebook to disclose to the
20 government copies of the records and other information (including the content of
21 communications) particularly described in Section I of Attachment B. Upon receipt of
22 the information described in Section I of Attachment B, government authorized persons
23 will review that information to locate the items described in Section II of Attachment B.

CONCLUSION

25 70. For the foregoing reasons, there is probable cause to believe that NOEL has
26 committed the crimes of being a Felon in Possession of a Firearm, in violation of Title
27 18, United States Code, Section 922(g)(1); Distributing and Possessing with Intent to
28 Distribute Controlled Substances, and Conspiracy to do the same, in violation of Title 21,

1 United States Code, Sections 841(a)(1) and 846; and Possession of a Firearm in
2 Furtherance of a Drug Trafficking Crime, in violation of Title 18, United States Code,
3 Section 924(c), and that evidence of these crimes will be found in the **SUBJECT**
4 **ACCOUNT.**

5 
6 Angelo Salcepuedes, Special Agent
7 Bureau of Alcohol, Tobacco, Firearms,
8 and Explosives

9
10 SUBSCRIBED and SWORN before me this 10th day of October, 2019.
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14 HON. MARY ALICE THEILER
15 United States Magistrate Judge
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ATTACHMENT A

(Account To Be Searched)

This warrant applies to information associated with the following **SUBJECT ACCOUNT** that is stored at a premises owned, maintained, controlled, or operated by Facebook, a social networking company headquartered in Menlo Park, California, including, but not limited to, any data that is being preserved pursuant to a preservation letter.

SUBJECT ACCOUNT:

Facebook Profile Name: Liam Groot

Facebook User Profile: stevienoel3

Facebook User ID No.: 100022615093853

ATTACHMENT B

(Records To Be Searched and Seized)

I. Information to be disclosed by Facebook

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook, including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for the **SUBJECT ACCOUNT** identified in Attachment A:

- (a) All contact and personal identifying information, including full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- (b) All activity logs for the account and all other documents showing the user's posts and other Facebook activities;
- (c) All Photoprints, including all photos uploaded by that user ID and all photos uploaded by any user that have that user tagged in them;
- (d) All Neoprints, including profile contact information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications;
- (e) All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and pending

“Friend” requests;

- (f) All “check ins” and other location information;
- (g) All IP logs, including all records of the IP addresses that logged into the account;
- (h) All records of the account’s usage of the “Like” feature, including all Facebook posts and all non-Facebook webpages and content that the user has “liked;”
- (i) All information about the Facebook pages that the account is or was a “fan” of;
- (j) All past and present lists of friends created by the account;
- (k) All records of Facebook searches performed by the account;
- (l) All information about the user’s access and use of Facebook Marketplace;
- (m) The length of service (including start date), the types of service utilized by the user, and the means and source of any payments associated with the service (including any credit card or bank account number);
- (n) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;
- (o) All records pertaining to communications between Facebook and any person regarding the user or the user’s Facebook account, including contacts with support services and records of actions taken.

II. Information to be seized by the government

All information described above in Section I that constitutes evidence, fruits and instrumentalities of violations of Title 18, United States Code, Section 922(g)(1) (Felon in Possession of a Firearm); Title 21, United States Code, Sections 841(a)(1) and 846 (Possession with Intent to Distribute Controlled Substances, Distribution of Controlled Substances, and Conspiracy to Distribute Controlled Substances), and Title 18, United

States Code, Section 924(c), including, for the **SUBJECT ACCOUNT** identified in Attachment A, information pertaining to the following matters:

- (a) Any content, including phone numbers, e-mails, messages, postings, photographs, documents, address lists, contact lists, or communications of any type, which could be used to identify the user of the account;
- (b) Records relating to who created, used, or communicated with the user ID or username, including records about their identities and whereabouts;
- (c) All subscriber records associated with the specified accounts that tend to identify the creator and/or user of the account, including name, address, length of service (including start date) and types of service utilized, telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address, and means and source of payment for such service including any credit card or bank number;
- (d) Any records of communications between Facebook and any person about issues related to the account, such as technical problems, billing inquiries, or complaints from other users about the specified account, including records of contacts between the subscriber and the provider's support services, as well as records of any actions taken by the provider or subscriber as a result of the communication; and
- (e) Any and all postings, Wall Posts, private messages, status updates, chat history, friend requests, photographs, graphics, or other information regarding controlled substances or firearms.